

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 371 of 2005

LR'S OF VISHNU DUTT
V/S
SMT. RANJANA & ORS

Mr. SHAMBHOO SINGH, for the appellant / petitioner

Date of Order : 1.4.2005

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the appellants, and perused the impugned Judgment.

It transpires from the impugned Judgment that, for one accident and one death, two claim petitions have been filed. One by parents, and other by widow. Both of them, which were consolidated, were decided by impugned Judgment, whereby compensation of Rs.3,12,600/- has been awarded. Out of which, each of the parents have been granted Rs.35,000/-, and Rs.2,42,600/- have been awarded to the widow.

Assailing the impugned award, it was contended by the learned counsel that the compensation assessed by the learned Tribunal is inadequate. I have considered the submission. The learned Tribunal has assessed income of the deceased to be Rs.2100/- per month, and after deducting 1/3rd as personal expenditure, has assessed dependency of Rs. 1400/- per month. The learned counsel read to me the statement of claimant-mother, who has deposed that deceased was earning Rs.2500/- to 3,000/- per month, but then there is no tangible material to lend support to the statement of the mother, as she has also deposed that out of it the deceased was spending Rs. 2000/- on the parents, and has not at all talked about the widow. Thus it can legitimately be inferred that the witness is not a wholly reliable witness. The multiplier of 17 has been employed by the learned tribunal, which cannot be said to be inadequate.

Coming to the question of apportionment, what is significant to note is that, the claimant-mother has deposed that out of total income, deceased was spending Rs.2000/- on the parents. Significantly, she has not deposed anything about the widow or the deceased, to be depending on him. It does show that whole attempt was to im-pocket the entire compensation by parents, leaving the widow high-and-dry. It is not in dispute that out of parents, father has already expired. Thus mother would get practically 1/4th of the amount awarded, while widow, who is just 21 years of age, would be getting the amount of Rs. 2,42,600/- only. In such circumstances, the apportionment cannot be said to be improper, nor can the assessment of compensation be said to be inadequate.

The appeal thus has no force, and is hereby dismissed summarily.

(N P GUPTA), J.

/Srawat/